



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3766

TEW
#

In re

Patent Application of

Michael R.S. Hill

Application No. 10/768,999

Confirmation No.: 7976

Filed: January 30, 2004

Examiner: Carl Hernandez Layno

"METHOD AND SYSTEM FOR NERVE
STIMULATION PRIOR TO AND DURING
A MEDICAL PROCEDURE"

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 CFR §1.97(c)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner's attention is directed to the references which are listed on the attached Form PTO/SB/08A. Copies of non-U.S. patent references are attached. This Statement is also being accompanied by a check in payment of the \$180.00 fee required under 37 CFR §1.17(p). Please charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of the required fee.

Citation of these references is respectfully requested.

No concession is made that these documents are prior art, and Applicant expressly reserves the right to antedate the documents as may be appropriate.

Respectfully submitted,

Raye Lynn Daugherty
Raye L. Daugherty
Reg. No. 47,933

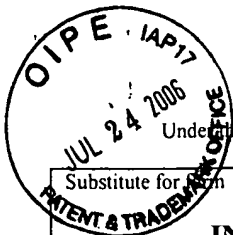
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File No. 065071-9059-12
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, Wisconsin 53202-4108
414.271.6560



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Substitute for Form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 8

Complete if Known

Application Number	10/768,999
Filing Date	January 30, 2004
First named Inventor	Michael R.S. Hill
Group Art Unit	3766
Examiner name	Carl Hernandez Layno
Attorney Docket Number	065071-9059-12

U.S. Patent Documents

Examiner Initials	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
	3,614,995	Probert, et al.	10/26/1971
	3,804,098	Friedman	4/16/1974
	4,088,138	Diack, et al.	5/9/1978
	4,161,952	Kinney, et al.	4/22/1979
	4,176,660	Mylrea, et al.	12/4/1979
	4,198,963	Barkalow, et al.	4/22/1979
	4,321,929	Lemelson, et al.	3/30/1982
	4,351,330	Scarberry	9/28/1982
	4,574,807	Hewson, et al.	3/11/1986
	4,603,705	Speicher, et al.	8/5/1986
	4,671,295	Abrams, et al.	6/9/1987
	4,715,367	Crossley	12/29/1987
	4,722,347	Abrams, et al.	2/2/1988
	4,753,244	Landymore, et al.	6/28/1988
	4,919,147	Reinhardt, et al.	4/24/1990
	4,931,464	Grover, et al.	6/5/1990
	4,952,586	Morris, et al.	8/28/1990
	5,003,991	Takayama, et al.	4/2/1991
	5,007,893	Row	4/16/1991
	5,024,228	Goldstone, et al.	6/18/1991
	5,025,807	Zabara	6/25/1991

Examiner
SignatureDate
Considered

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		Application Number	10/768,999	
		Filing Date	January 30, 2004	
		First named Inventor	Michael R.S. Hill	
		Group Art Unit	3766	
		Examiner name	Carl Hernandez Layno	
		Attorney Docket Number	065071-9059-12	
U.S. Patent Documents				
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		5,036,848	Hewson	8/6/1991
		5,050,600	Parks	9/24/1991
		5,117,822	Laghi	6/2/1992
		5,117,828	Metzger, et al.	6/2/1992
		5,125,406	Goldstone, et al.	6/30/1992
		5,127,407	Tan	7/7/1992
		5,154,172	Terry, Jr. et al.	10/13/1992
		5,156,149	Hudrlik	10/20/1992
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		5,178,149	Imburgia, et al.	1/12/1993
		5,179,950	Stanislaw	1/19/1993
		5,179,952	Buinevicius, et al.	1/19/1993
		5,186,170	Varrichio, et al.	2/16/1993
		5,188,104	Wernicke, et al.	2/23/1993
		5,205,285	Baker, Jr.	4/27/1993
		5,215,086	Terry, Jr., et al.	6/1/1993
		5,231,988	Wernicke, et al.	8/3/1993
		5,235,980	Varrichio, et al.	8/17/1993
		5,263,480	Wernicke, et al.	11/23/1993
		5,265,603	Hudrlik	11/30/1993
		5,265,623	Kroll, et al.	11/30/1993
		5,269,303	Wernicke, et al.	12/14/1993
		5,282,468	Klepinski	2/1/1994
		5,284,146	Czar, et al.	2/8/1994

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		Filing Date	January 30, 2004
		First named Inventor	Michael R.S. Hill
		Group Art Unit	3766
		Examiner name	Carl Hernandez Layno
		Attorney Docket Number	065071-9059-12
U.S. Patent Documents			
Examiner Initials	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
	5,299,569	Wernicke, et al.	4/5/1994
	5,304,120	Crandell, et al.	4/19/1994
	5,304,206	Baker, Jr., et al.	4/19/1994
	5,304,220	Maginot	4/19/1994
	5,330,507	Schwartz	7/19/1994
	5,335,657	Terry, Jr., et al.	8/9/1994
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	5,379,765	Kajiware, et al.	1/10/1995
	5,411,529	Hudrlik	5/2/1995
	5,417,713	Cohen	5/23/1995
	5,456,254	Pietroski, et al.	10/10/1995
	5,458,625	Kendall	10/17/1995
	5,476,485	Weinberg, et al.	12/19/1995
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	5,656,420	Chien	8/12/1997
	5,662,689	Elsberry, et al.	9/2/1997
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	5,713,924	Min, et al.	2/3/1998
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	5,755,682	Knudson, et al.	5/26/1998
	5,782,874	Loos	7/21/1998
	5,791,187	Chang	8/11/1998

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		Application Number	10/768,999	
		Filing Date	January 30, 2004	
		First named Inventor	Michael R.S. Hill	
		Group Art Unit	3766	
		Examiner name	Carl Hernandez Layno	
		Attorney Docket Number	065071-9059-12	
U.S. Patent Documents				
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		5,799,661	Boyd, et al.	9/1/1998
		5,824,021	Rise	10/20/1998
		5,840,076	Swanson, et al.	11/24/1998
		5,846,263	Peterson, et al.	12/8/1998
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		5,874,420	Pelleg	2/23/1999
		5,889,033	Kaminski	3/30/1999
		5,893,881	Elsberry, et al.	4/13/1999
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		5,995,872	Bourgeois	11/30/1999
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		6,014,588	Fitz	1/11/2000
		6,042,538	Puskas	3/28/2000
		6,091,988	Warman, et al.	7/18/2000
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		6,141,590	Renirie, et al.	10/31/2000
		6,185,459	Mehra, et al.	2/6/2001
		6,234,985	Lurie, et al.	5/22/2001
		6,253,108	Rosborough, et al.	6/26/2001
		6,266,564	Hill, et al.	7/24/2001
		6,272,380	Warman, et al.	8/7/2001
		6,299,564	Gessler, et al.	10/9/2001
Examiner Signature			Date Considered	

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		Application Number	10/768,999	
		Filing Date	January 30, 2004	
		First named Inventor	Michael R.S. Hill	
		Group Art Unit	3766	
		Examiner name	Carl Hernandez Layno	
		Attorney Docket Number	065071-9059-12	
U.S. Patent Documents				
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		6,303,293	Patterson, et al.	10/16/2001
		6,304,777	Ben-Haim, et al.	10/16/2001
		6,381,499	Taylor, et al.	4/30/2002
		6,414,018	Duhaylongsod	7/2/2002
		6,429,217	Puskas	8/6/2002
		6,442,429	Hill, et al.	8/27/2002
		6,449,507	Hill, et al.	9/10/2002
		6,479,523	Puskas	11/12/2002
		6,487,446	Hill, et al.	11/26/2002
		6,532,388	Hill, et al.	3/11/2003
		6,542,774	Hill, et al.	4/1/2003
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		6,587,719	Barrett, et al.	7/1/2003
		6,609,025	Barrett, et al.	8/19/2003
		6,622,038	Barrett, et al.	9/16/2003
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		6,622,047	Barrett, et al.	9/16/2003
		6,628,987	Hill, et al.	9/30/2003
		6,656,960	Puskas	12/2/2003
		6,690,973	Hill, et al.	2/10/2004
		6,711,436	Duhaylongsod	3/23/2004
		6,718,208	Hill, et al.	4/6/2004
		6,721,603	Zabara, et al.	4/13/2004
Examiner Signature			Date Considered	

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 6 of 8		Complete if Known		
		Application Number	10/768,999	
		Filing Date	January 30, 2004	
		First named Inventor	Michael R.S. Hill	
		Group Art Unit	3766	
		Examiner name	Carl Hernandez Layno	
		Attorney Docket Number	065071-9059-12	
U.S. Patent Documents				
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		6,735,471	Hill, et al.	5/11/2004
		6,738,667	Deno, et al.	5/18/2004
		6,778,854	Puskas	8/17/2004
		6,904,318	Hill, et al.	6/7/2005
		6,912,419	Hill, et al.	6/28/2005
		09/980,421		
		RE38,654	Hill et al.	11/23/2004
		RE38,705	Hill et al.	2/22/2005
		2001/0049543	Kroll	12/6/2001
		2002/072782	Osorio et al.	6/13/2002
		2002/0198570	Puskas	12/26/2002
		2002/0198571	Puskas	12/26/2002
		2003/045909	Gross et al.	3/6/2003
		2003/0074039	Puskas	4/17/2003
		2003/0216775	Hill et al.	11/20/2003
		2003/0216790	Hill et al.	11/20/2003
		2004/0024422	Hill et al.	2/5/2004
		2004/0059383	Puskas	3/25/2004
		2004/0111118	Hill et al.	6/10/2004
		2004/0162584	Hill et al.	8/19/2004
		2004/0172075	Shafer et al.	9/2/2004
		2004/0186517	Hill et al.	9/23/2004
		2004/0186531	Jahns et al.	9/23/2004
Examiner Signature			Date Considered	

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 7 of 8		Complete if Known		
		Application Number	10/768,999	
		Filing Date	January 30, 2004	
		First named Inventor	Michael R.S. Hill	
		Group Art Unit	3766	
		Examiner name	Carl Hernandez Layno	
		Attorney Docket Number	065071-9059-12	
U.S. Patent Documents				
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		2004/0199209	Hill et al.	10/7/2004
		2005/0096707	Hill et al.	5/5/2005
		2005/0143412	Puskas	6/30/2005

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Country Code	Foreign Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	Translation	English Abstract
	AU	9890156	Duhaylongsod	3/1/1999		
	AU	779255	Puskas	6/23/2000		
	CA	2,310,183	Stewart, et al.	5/19/1996		
	CA	2,376,903	Puskas	6/23/2000		
	EP	0440111	McEwen	8/7/1991		
	EP	0589252	Dreher, et al.	3/30/1994		
	EP	0688579	Bowalt, et al.	12/27/1995		
	EP	1005337	Puskas	6/7/2000		
	EP	1181947	Borkan	2/27/2002		
	JP	2001-505980	Puskas	6/23/2000		
	JP	2000-507363	Puskas	8/26/1998		
	MX	2043	Puskas	8/26/1998		
	WO	99/07354	Duhaylongsod	2/18/1999		
	WO	00/01306	Scher, et al.	1/13/2000		
	WO	02/26320	Hill, et al.	4/4/2002		

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				Group Art Unit		3766	
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FOREIGN PATENT DOCUMENTS							
Examiner Initials	Country Code	Foreign Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	Translation	English Abstract	
	WO	99/00057	Ward	1/7/1999			
	WO	99/63926	Lurie, et al.	12/16/1999			
	WO	00/09206	Mehra, et al.	2/24/2000			

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				Group Art Unit	3766
				Examiner Name	Carl Hernandez Layno
Sheet	1	of	5	Attorney Docket Number	065071-9059-12

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue numbers(s), publisher, city and/or country where published.
		AGNEW, William F., et al., "Considerations for Safety with Chronically Implanted Nerve Electrodes, Epilepsia, 31(Supp. 2), 1990, pp. S27-S32, Raven Press, Ltd., New York.
		BELL, et al., "Inotropic Responses of the Left Ventricle to Changes in Heart Rate in Anesthetized Rabbits," Can. J. Physiol. Pharmacol., 65:179-184.
		BENNETTI, F.J., "Direct Coronary Surgery with Saphenous Vein Bypass Without Either Cardiopulmonary Bypass or Cardiac Arrest, J. Cardiovasc. Surg., 26:217-222.
		BENETTI, et al., "Use of Thoracoscopy and a Minimal Thoracotomy, in Mammary-Coronary Bypass to Left Anterior Descending Artery, Without Extracorporeal Circulation," J. Cardiovasc. Surg., 36:159-161.
		BILGUTAY, A., et al., "Vagal Tuning: A New Concept in the Treatment of Supraventricular Arrhythmias, Angina pectoris, and Heart failure," Jour. of Thorac. & Cardio. Surg., 1968, pp. 71-82.
		BLUEMEL, K.M., et al., "Parasympathetic Postganglionic Pathways to the Sinoatrial Node," Am. Phys. Soc., 1990, pp. H1504-H1508.
		BRAUNWALD, E., et al., "Cartoid Sinus Nerve Stimulation in the Treatment of Angina Pectoris and Supraventricular Tachycardia," Western Jour. of Medicine, 1970, No. 112, Vol. 3, pp. 41-50.
		BUFKIN, B., et al., "Controlled Intermittent Asystole: Pharmacologic Potentiation of Vagal-Induced Asystole," Ann. Thorac. Surg. 1998; 66: 1185-90.
		Declaration/Clarification of John D. Puskas, MD., dated October 11, 2005, pp. 1-7.

Examiner Signature		Date Considered	
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				Group Art Unit	3766
				Examiner Name	Carl Hernandez Layno
Sheet	2	of	5	Attorney Docket Number	065071-9059-12

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue numbers(s), publisher, city and/or country where published.
		DiMARCO, J. P., M.D., et al., "Adenosine: Electrophysiologic Effects and Therapeutic Use for Terminating Paroxysmal Supraventricular Tachycardia," Therapy and Prevention Arrhythmia, Circulation 68, No. 6, 1983, pp. 1254-1263.
		DIPIRO, J., et al., "Pharmacotherapy: A Pathophysiologic Approach," p. 153-157, 1989.
		FANNING, et al., "Reoperative Coronary Artery Bypass Grafting Without Cardiopulmonary Bypass," Ann. Thorac. Surg., 55:486-489.
		FREILICH, A., M.D., et al., "Adenosine and its Cardiovascular Effects," American Heart Journal, vol. 123, No. 5, May 1992, pp. 1324-1328.
		GORMAN, Christine, et al., "How New Heart-Scanning Technology Could Save Your Life," <u>Time</u> , September 5, 2005, pp. 61 and 67.
		HAGEMAN, G.R., et al., "Direct and Reflex Cardiac Bradycardias from a Small Vagal Nerve Stimulation," Am. Heart J. 1975, Mar; 89: 338-48 (Abstract only).
		HAMMOND, Edward J., et al., "Vagus Nerve Stimulation in Humans: Neurophysiological Studies and Electrophysiological Monitoring," Epilepsia, 31 Suppl. 2), 1990, pp. S51-S59, Raven Press, Ltd., New York.
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		LEVY, M. et al., "Autonomic Control of Cardiac Pacemaker Activity and Atrioventricular Transmission," Journal of Applied Physiology, vol. 27, No. 4, October 1969.

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				Application Number	10/768,999
				Filing Date	January 30, 2004
				First Named Inventor	Michael R.S. Hill
				Group Art Unit	3766
				Examiner Name	Carl Hernandez Layno
Sheet	3	of	5	Attorney Docket Number	065071-9059-12

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		LOCKARD, Joan S., et al., "Feasibility and Safety of Vagal Stimulation in Monkey Model," <i>Epilepsia</i> , 31(Supp. 2), 1990, pp. S20-S26, Raven Press, Ltd., New York.
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		PENRY, J. Kiffin, et al., "Prevention of Intractable Partial Seizures by Intermittent Vagal Stimulation in Humans: Preliminary Results," <i>Epilepsia</i> , 31(Suppl. 2), 1990, pp. S40-S43, Raven Press, Ltd., New York.
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		RANDALL, Walter C., PhD., "Parasympathetic Control of the Heart," Chapter 4, <i>Nervous Control of Cardiovascular Function</i> , 1984, pp. 68-94.
		RANDALL, Walter C., Ph.D. et al., "Functional Anatomy of the Cardiac Efferent Innervation," <i>Neurocardiology</i> , 1988, pp. 3-24.

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		REID, Steven A., "Surgical Technique for Implantation of the Neurocybernetic Prosthesis," Epilepsia, 1990, 31 (supp. 2): S38-S39.
		RUTECKI, Paul, "Anatomical, Physiological, and Theoretical Basis for the Antiepileptic Effect of Vagus Nerve Stimulation," Epilepsia, 31(Suppl. 2), 1990, pp. S1-S6, Raven Press, Ltd., New York.
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		WESTABY, S., "Coronary Surgery Without Cardiopulmonary Bypass," British Heart Journal, 73:203-205.

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		WILDER, B.J., et al., "Vagus Nerve Stimulation for the Control of Epilepsy," Proceedings of a Symposium held in conjunction with the American Epilepsy Society Annual Meeting, Boston, MA, December 2, 1989, Vol. 31, Supplement 2, 1990.
		WOODBURY, Dixon M., et al., "Effects of Vagal Stimulation on Experimentally Induced Seizures in Rats," Epilepsia, 31(Suppl. 2), 1990, pp. S7-S19, Raven Press, Ltd., New York.

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